

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA )  
                               )      2 : 05cv413 - D  
v.                         )      CR. NO. 2:99cr140-ID  
                               )  
KENNETH BRYANT             )

**O R D E R**

Defendant Kenneth Bryant has filed a pleading styled as a “*Motion Pursuant to 3582(c) or in the Alternative Motion Pursuant to Rule 60(B)*” (Doc. 54), wherein he challenges the conviction and sentence imposed upon him by this court in 2000 for possession with intent to distribute cocaine base. A review of the claims presented by Bryant in his motion indicates that he seeks relief from this court that is appropriate only under the remedy provided by 28 U.S.C. § 2255. Accordingly, the Clerk of this court is hereby DIRECTED to:

1. Open a civil action under 28 U.S.C. § 2255.
2. Docket the following documents, currently docketed in 2:99cr140-ID, in the newly opened civil action:
  - (a) Bryant’s “*Motion Pursuant to 3582(c) or in the Alternative Motion Pursuant to Rule 60(B)*” (Doc. 54 in 2:99cr140-ID);
  - (b) This Court’s December 30, 2004, *Order as to Kenneth Bryant* (Doc. 55 in 2:99cr140-ID); and
  - (c) The United States’ January 14, 2005, *Response to Order to Show Cause* (Doc. 56 in 2:99cr140-ID).
3. Assign the newly opened case to the Magistrate Judge and District Judge

to whom the instant case is assigned; and

4. Refer the case file to the appropriate Magistrate Judge for further proceedings upon completion of the foregoing directives.

Done this 3<sup>rd</sup> day of May, 2005.

/s/Charles S. Coody

CHARLES S. COODY  
CHIEF UNITED STATES MAGISTRATE JUDGE